

FILED
UNITED STATES DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

OCT 23 2003

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

Robert M. March
CLERK

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Canjilon Creek, Section 3
Subfile No.: CHCJ-002-0017

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

KENNETH BOWMAN
BETTY JOLLY
JAMES P. JOLLY
JOHN JOLLY
SHEILA JOLLY
FRANCES MANNING
JERRY C MANNING

concerning the Defendant's right to use the public waters of the Rio Chama Stream System.
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of

the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BRAZITO DITCH

Location X: 1,592,250 feet **Y:** 2,001,395 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 16.6 acres

Total 16.6 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 2.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: BRAZITO DITCH

Location X: 1,592.250 feet **Y:** 2,001.395 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼ 4.8 acres

Total 4.8 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 2.

Amount of Water: NONE

C. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: EL LLANO DITCH

Location X: 1,593.223 feet **Y:** 2,003.235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼ 2.8 acres

Total 2.8 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 2.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

D. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: EL LLANO DITCH

Location X: 1,593,223 feet **Y:** 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 1.3 acres

Total 1.3 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 2.

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

Bruce D. Black
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Debra L. Davis
SPECIAL MASTER

ACCEPTED: Sheila Jolly
SHEILA JOLLY
ADDRESS: 2238 KELLY AVE
RAMONA, CA
92065
DATE: 8/27/03

ACCEPTED: Betty Jolly
BETTY JOLLY
ADDRESS: 142 Meander
Abilene TX
79602
DATE: 9-4-03

ACCEPTED: Kenneth Bowman
KENNETH BOWMAN
ADDRESS: 445 Troy Dr.
Cypress Creek, TX
78412
DATE: 8/22/03

ACCEPTED: John Jolly
JOHN JOLLY
ADDRESS: 2238 KELLY AVE
RAMONA, CA
92065
DATE: 8/27/03

ACCEPTED: James P. Jolly
JAMES P. JOLLY
ADDRESS: 142 Meander
Abilene TX
79602
DATE: 9-4-03

ACCEPTED: Jerry C. Manning
JERRY C. MANNING
ADDRESS: 1874 Chestnut
Abilene TX 79602
DATE: 9-9-03

ACCEPTED: Frances Manning
FRANCES MANNING
ADDRESS: 1374 Chestnut St
Abilene, Tx 79602
DATE: 9-9-03

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

9.22.03
Date